

JMH:BLW
F. #2022R00165

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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Filed 3/28/2022

UNITED STATES OF AMERICA

- against -

ALEXEY GAVINO,

Defendant.

I N D I C T M E N T

1:22-cr-00136(RPK)(LB)

Cr. No. _____

(T. 18, U.S.C., §§ 2252(a)(1),
2252(a)(4)(B), 2252(b)(1), 2252(b)(2),
2253(a), 2253(b) and 3551 et seq.;
T. 21, U.S.C., § 853(p))

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THE GRAND JURY CHARGES:

COUNTS ONE THROUGH THREE
(Transportation of Child Pornography)

1. On or about August 30, 2021, within the Eastern District of New York and elsewhere, the defendant ALEXEY GAVINO did knowingly and intentionally transport and ship, using a means and facility of interstate and foreign commerce, and in and affecting interstate and foreign commerce, one or more visual depictions, to wit: digital images and videos stored on an Apple iPhone 11, IMEI number 352900111298084, as identified further below, the production of such visual depictions having involved the use of one or more

minors engaging in sexually explicit conduct, and such visual depictions were of such conduct.

| <u>COUNT</u> | <u>FILENAME</u> |
|--------------|--|
| ONE | c339fcc7-88a2-45ab-8b09-1edbac604ed2.mp4 |
| TWO | dc84bbe0-0a53-4b64-bc2e-6a0486fc9027.mp4 |
| THREE | 77036e8a-0734-44d1-9932-2a322c836b41.mp4 |

(Title 18, United States Code, Sections 2252(a)(1), 2252(b)(1) and 3551

et seq.)

COUNT FOUR
(Possession of Child Pornography)

2. On or about August 30, 2021, within the Eastern District of New York and elsewhere, the defendant ALEXEY GAVINO did knowingly and intentionally possess matter which contained one or more visual depictions, to wit: digital images and videos stored on an Apple iPhone 11, IMEI number 352900111298084, that had been mailed, and had been shipped and transported using one or more means and facilities of interstate and foreign commerce and in and affecting interstate and foreign commerce, and which were produced using materials which had been mailed and so shipped and transported, by any means, including by computer, the production of such visual depictions having involved the use of one or more minors engaging in sexually explicit conduct, and such visual depictions were of such conduct, and one or more of such visual depictions involved one or more prepubescent minors and one or more minors who had not attained 12 years of age.

(Title 18, United States Code, Sections 2252(a)(4)(B), 2252(b)(2) and 3551

et seq.)

CRIMINAL FORFEITURE ALLEGATION

3. The United States hereby gives notice to the defendant that, upon his conviction of any of the offenses charged herein, the government will seek forfeiture in accordance with Title 18, United States Code, Section 2253(a), which requires the forfeiture of: (a) any visual depiction described in Section 2251, 2251A, 2252, 2252A, 2252B or 2260 of Title 18 of the United States Code, or any book, magazine, periodical, film, videotape or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of such sections; (b) any property, real or personal, constituting, or traceable to, gross profits or other proceeds obtained from such offenses; and (c) any property, real or personal, used or intended to be used to commit or to promote the commission of such offenses or any property traceable to such property, including but not limited to one Apple iPhone 11, IMEI number 352900111298084, seized from the defendant on August 30, 2021 at John F. Kennedy International Airport in Queens, New York.

4. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 2253(b), to seek forfeiture of any

other property of the defendant up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Sections 2253(a) and 2253(b); Title 21, United States Code, Section 853(p))

A TRUE BILL

Dwight Reid

FOREPERSON



BREON PEACE
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

No.

UNITED STATES DISTRICT COURT

EASTERN District of NEW YORK

CRIMINAL DIVISION

THE UNITED STATES OF AMERICA

vs.

ALEXEY GAVINO,

Defendant.

INDICTMENT

(T. 18, U.S.C., §§ 2252(a)(1), 2252(a)(4)(B), 2252(b)(1), 2252(b)(2),
2253(a), 2253(b) and 3551 et seq.; T. 21, U.S.C., § 853(p))

A true bill.

David M. Reiss
For prosecutor

Filed in open court this _____ day,

of _____ A.D. 20 _____

Clerk

Bail, \$ _____

Benjamin Weintraub, Assistant U.S. Attorney (718) 254-6519